

EXHIBIT D



July 17, 2014

Town Supervisor Tom Croci
Town Hall
655 Main St
Islip, New York 11751
Via email: supervisorsoffice@townofislip-ny.gov

Dear Supervisor Croci:

We are writing to follow up on New York Lawyers for the Public Interest's request for a copy of Enviroscience Consultants' June 3 report on soil and water contamination at Roberto Clemente Park.

As mentioned during the public comments at this week's Town Board meeting, we filed a Freedom of Information Law application on July 9, 2014, requesting (among other documents) all available environmental investigation reports on Roberto Clemente Park. At the Town meeting, you pledged transparency for community residents seeking to understand the contamination risk and cleanup plans for the park. You also suggested that we follow up with Town personnel about getting a copy of the Enviroscience study, which we learned about from reporting in Newsday.

Unfortunately, we have still not been able to get a copy of this report. NYLPI spoke with staff in the Town Attorney's office, who suggested following up with the Clerk's office. The Clerk's office could not find our original FOIL request. (We have attached a copy of that FOIL request, along with the fax receipt showing delivery on July 9, 2014.) NYLPI filed a new FOIL request (also attached), and spoke with the Town's Constituent Services office, but were told that we should not expect a copy of this report for at least 20 business days.

If the Town of Islip is truly committed to public participation in this investigation and cleanup process, then residents should not have to wait for a copy of this report. The study has already been reviewed by the news media; Brentwood residents who live near the park should have the same opportunity.

Therefore, we are asking again for your office to provide this study immediately to our organizations, and to make it available to all Islip residents on the Town's website. We also ask you to publish all future studies and cleanup planning documents on the Town's website as they become available, so that these requests will no longer be needed.

Thank you for your assistance with this matter. Please contact NYLPI (at mladov@nylpi.org or 212-244-4664) with any follow-up questions or to send a copy of the requested report.

Sincerely,

Mark Ladov,
Staff Attorney, Environmental Justice Program
New York Lawyers for the Public Interest

Daniel Altschuler,
Long Island Coordinator,
Make the Road New York

Lucas Sanchez,
Long Island Director,
New York Communities for Change

Attachment A:
July 9, 2014 FOIL Request

N Y L P I

New York Lawyers

For The Public Interest, Inc.

151 West 30th Street, 11th Floor

New York, NY 10001-4017

Tel 212-244-4664 Fax 212-244-4570

TTD 212-244-3692 www.nypli.org

Fax

To: FOIL Officer

From: Benjamin Barczewski

Fax: 631-224-5574

Pages: [no of pages]

Phone:

Date: 7/9/2014

Re: FOIL Request

CC:

☐ **Urgent**

☐ **For Review**

☐ **Please Comment**


☐ **Please Reply**

☐ **Please Recycle**

● **Comments:**

CONFIDENTIAL NOTICE:


This facsimile transmission is intended only for the use of the individual or entity to which it is addressed, and may contain confidential information belonging to the sender, which is protected by law, and/or by attorney-client privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the documents.

TOWN CLERK Date stamp here:		FOIL OFFICER Date stamp here:
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Freedom of Information Law Application (F.O.I.L.)—Application for Access to Public Records

Instructions: Complete the Section 1 and submit to **Office of Town Clerk, 655 Main Street, Islip New York 11751 (f) 631-224-5574**

PLEASE TYPE OR PRINT CLEARLY

SECTION 1 – TO BE COMPLETED BY APPLICANT			
I HEREBY APPLY TO REVIEW OR COPY THE RECORD(S) DESCRIBED BELOW:			
1. NAME OF APPLICANT: Mark Ladov and Benjamin Barczewski	5. MAILING ADDRESS (include suite if applicable): 151 West 30th Street, 11th Floor		
2. NAME OF BUSINESS FIRM: New York Lawyers for the Public Interest	6. CITY: New York	7. STATE: NY	8. ZIP CODE: 10001-4007
3. SIGNATURE OF APPLICANT: 	9. DATE OF APPLICATION: July 09, 2014		
4. TELEPHONE NUMBER: 212-244-4664	10. DEPARTMENT IF KNOWN:		
<p>DESCRIPTION OF RECORD SOUGHT TO INSPECT AND ANY SPECIAL INSTRUCTIONS. Please describe the record(s) sought in as specific detail as possible with, address, date or time frame, if applicable. If we cannot determine what record(s) you seek your application will be denied. Under the NYS FOIL the Town of Islip is <u>only</u> required to supply DOCUMENTS THAT ALREADY EXIST (NYS POL Article 6).</p> <p>Any records related to the dumping of construction debris and other materials from approximately April 2013 to June 2014 at: (1) Roberto Clemente Park in Brentwood, Long Island; (2) a housing development for veterans in Islandia, Long Island; (3) a protected wetlands in Deer Park, Long Island; and (4) the Suffolk PAL fields at Clayton and Powell in Islip, Long Island, including, but not limited to, test results of soil, air, and water for each site, and any remediation plans for each site respectively</p> <p>We request that records be provided electronically and via email to mladov@nylpi.org and bbarczewski@nylpi.org to the extent possible. If that is not possible, please contact us prior to printing or copying records.</p> <p>We look forward to hearing from you within five (5) business days. Thank you in advance for your time and assistance.</p>			
SECTION 2- TO BE COMPLETED BY AGENCY RECORDS ACCESS (FOIL) OFFICER			
<p>Receipt of this request is hereby acknowledged. Please allow Twenty (20) business days for processing before contacting this office. A copy of this form is being mailed to you indicating your request is being processed.</p>			
_____ Date	_____ Records Access Officer	_____ Application Number	
Office of Constituent Services, 655 Main Street, Islip New York 11751 631-224-5380			
PLEASE NOTE: The Public Officer's Law requires that a municipality acknowledge receipt of a FOIL request within five (5) business days.			

Application Number	AGENCY USE ONLY
FOR AGENCY USE ONLY BELOW	
SECTION 3- NOTICE TO APPLICANT	
DEPOSIT REQUIRED	
<input type="checkbox"/> A deposit in the amount of \$_____ is required before we can continue to process your FOIL application, as it is voluminous. Please forward a check payable to "Town of Islip" in the deposit amount to Records Access Officer, Constituent Services, 655 Main Street, Islip, New York 11751. For questions, please call 224-5380.	
RECORDS PROVIDED:	
<input type="checkbox"/> The records have been fully provided. <input type="checkbox"/> The records have been partially provided or redacted. <input type="checkbox"/> The document(s) you requested are available. The cost of reproduction is \$_____. Please bring your cash, check or money order payable to the "Town of Islip" and submit to Town of Islip--Town Clerk's Office, 655 Main Street, Islip, NY 11751. <input type="checkbox"/> Please call 631-224-5380 to schedule an appointment to view documents. <input type="checkbox"/> Redaction fee due \$_____ at time of appointment	
RECORDS DENIED, PARTIALLY PROVIDED OR REDACTED	
<input type="checkbox"/> Request needs to be more specific because cannot determine what record(s) you seek <input type="checkbox"/> Records not possessed by the Town of Islip <input type="checkbox"/> After diligent search, there are no known documents that are responsive to your request <input type="checkbox"/> Municipalities are not required to respond to questions or inquiries, only to provide documents <input type="checkbox"/> Exempted by statute other than the Freedom of Information Law <input type="checkbox"/> Unwarranted invasion of personal privacy <input type="checkbox"/> Would impair present or imminent contract awards or collective bargaining negotiations <input type="checkbox"/> Law Enforcement records	<input type="checkbox"/> Are trade secrets or commercial enterprise documents which if disclosed would cause injury to the competitive position of the subject enterprise <input type="checkbox"/> Complainant's name cannot be disclosed pursuant to the Public Officers Law Article 6A and Sec. 89-2(a) <input type="checkbox"/> Would endanger the life or safety of any person <input type="checkbox"/> Municipalities are only required to search for specific documents requested <input type="checkbox"/> Exempt inter-agency or intra-agency materials <input type="checkbox"/> Exempt examination questions or answers <input type="checkbox"/> Other
Name of Records Access Officer:	Records Access Officer's Signature:
	Date:

This Freedom of Information Request will remain on file for six (6) months from the date of final determination. Thereafter it will be destroyed.

NOTICE: You have the right to appeal a denial of this application to Ernest J. Cannava, Senior Assistant Town Attorney, Islip Town Hall, 655 Main Street, Islip, NY 11751. You are entitled to an explanation of the reason for such denial in writing within ten (10) days of receipt of the appeal.

I hereby appeal:

Signature

Date

TRANSMISSION VERIFICATION REPORT

TIME : 07/09/2014 16:58
NAME : NYLPI
FAX : 2122444570
TEL : 2122444664
SER.# : BRQL7J728470

DATE, TIME	07/09 16:58
FAX NO./NAME	916312245574-171
DURATION	00:00:24
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Attachment B:
July 15, 2014 FOIL Request

TOWN CLERK
 RECEIVED
 TOWN OF ISLIP
 JUL 15 2014
 TOWN CLERK'S OFFICE



FOIL OFFICER
 Date stamp here:

Freedom of Information Law Application (F.O.I.L.)—Application for Access to Public Records

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1. NAME OF APPLICANT: Mark Lador	5. MAILING ADDRESS (include suite if applicable): 151 W. 30th St, 11th Fl		
2. NAME OF BUSINESS FIRM: New York Lawyers for the Public Interest	6. CITY: NY	7. STATE: NY	8. ZIP CODE: 10001
3. SIGNATURE OF APPLICANT: 	9. DATE OF APPLICATION: July 15, 2014		
4. TELEPHONE NUMBER: 212-244-4664	10. DEPARTMENT IF KNOWN:		

DESCRIPTION OF RECORD SOUGHT TO INSPECT AND ANY SPECIAL INSTRUCTIONS. Please describe the record(s) sought in as specific detail as possible with, address, date or time frame, if applicable. If we cannot determine what record(s) you seek your application will be denied. Under the NYS FOIL the Town of Islip is only required to supply DOCUMENTS THAT ALREADY EXIST (NYS POL Article 6).

> copy of all remedial investigation reports for Robert Clemente Park,
 > including but not limited to the June 2014 Environmental Science report (written up by Newsday on July 13, 2014)

FEE SCHEDULE

Be advised there is a statutory fee due (\$.25 per page, not in excess of 9x14) for copies. For anything else, including digital formats, cost of reproduction will be charged. Deposits may be required for voluminous requests. Copy fees are to be paid for any pages required to be redacted prior to viewing a file. FOIL requests will not be processed for any person or company who fails to pay any outstanding FOIL fees due for a prior FOIL request. Copies will be prepared unless specifically requested otherwise.

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 Date Records Access Officer Application Number

Office of Constituent Services, 655 Main Street, Islip New York 11751 631-224-5380

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Please provide electronic copy to MLADOV@NYLPI.org if available.

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Signature

Date